MIAMIBEACH

Special City Commission Meeting City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive July 8, 2013

Mayor Matti Herrera Bower Vice-Mayor Edward L. Tobin Commissioner Jorge R. Exposito Commissioner Michael Góngora Commissioner Jerry Libbin Commissioner Deede Weithorn Commissioner Jonah Wolfson

City Manager Jimmy L. Morales City Attorney Jose Smith City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R9 - New Business and Commission Requests

R9A Discuss The Maintenance Of Traffic (MOT) And Community Outreach Plan Surrounding The Proposed Closure Of The 5th Street/Alton Road Flyover For Thirty (30) Days, Running From July 14, 2013 Through August 13, 2013, By The Florida Department Of Transportation (FDOT).

(Requested by Mayor Matti Herrera Bower)

City Clerk's Note: The Florida Department of Transportation (FDOT) has decided to approve the Contractor's (Bergeron Land Development) proposal to close the Alton Road flyover bridge from the MacArthur Causeway to northbound Alton Road for a period of 30 consecutive calendar days. Although FDOT acknowledges the increased congestion this closure will cause at the intersection of Alton Road and 5th Street, they also believe that there are significant benefits to this closure:

- 1. Bridge construction operations condensed to 30 calendar days versus the original 6-month duration.
- 2. Limited nighttime operations versus the original plan that called for nightly closures between 12 AM and 5 AM.
- 3. Safer passage for vehicles including trucks on at-grade streets versus the flyover bridge with reduced lane width.

- 4. Safer work zone for workers without the conflict caused by vehicles on the bridge during construction operations.
- 5. Limitation of the operation during non-school and non-holiday period of July 14, 2013 through August 18, 2013.

A disincentive clause for the late reopening of the bridge will be included in the construction contract. The disincentive will be \$5,000/day up to \$25,000.

The contractor will be required to provide a detailed Maintenance of Traffic plan clearly identifying the proposed detour routes with signage and the necessary traffic signalization adjustments to be implemented. In addition, in conjunction with the FDOT and the City of Miami Beach, the contractor will lead an aggressive public information campaign to advise the affected community and commuters of available detour routes.

These are excerpt from the June 24, 2012 letter from Mark Croft, P.E., FDOT District Construction Engineering, to Eric T. Carpenter, P.E., Public Works Director.

Special Commission Meeting called to order at 11:22:28 a.m.

Mayor Bower requested this Special City Commission meeting to discuss the planed closing of the 5th Street/Alton Road flyover for thirty days by the Florida Department of Transportation (FDOT). She stated that she did not know about it until she received an LTC from the City Manager, but added that staff knew for almost forty-five days. She wants the residents to be informed and for the public to know the traffic impact this will cause, if any.

Jimmy Morales, City Manager, introduced Eric Carpenter, Public Works Department Director, Mark Croft and Enrique Tamayo from FDOT, who are in the audience to explain.

Mayor Bower introduced State Representative David Richardson and explained that he is very involved with FDOT projects.

11:25:37 a.m.

Eric Carpenter, Public Works Department Director, gave a summary of the situation with the flyover bridge on Alton Road and 5th Street. FDOT came to him about 45 days ago, and stated that the contractor had brought to them a plan that FDOT believes was a better alternative to what was already in the contract documents, which was a 180-day working/narrowing of the flyover ramp, as well as a ten-day full closure of the flyover for the work of the approach slabs of the bridge, in addition to intermittent closures at night time during the work on the walls. FDOT was not sure whether the proposal would work from the traffic perspective. After conversations, FDOT operation staff concluded in writing last week that the proposal would work. City staff explained to FDOT that it would be a difficult situation, but FDOT felt that the 30-day alternative would be a benefit to the community, and that is when the LTC was prepared by the City.

Mayor Bower stated that the Commission requested FDOT's plan, and were told that it was not ready. She stated that FDOT's failure to inform the Miami Beach City Commission and its residents of its plans for the flyover was inappropriate. She added that this should not happen again because they need to know as soon as possible when something like this is taking place.

Jimmy Morales, City Manager, stated that FDOT was not sure that they were shutting down the flyover for a 30-day period until recently, June 24th.

Mayor Bower stated that FDOT should not decide anything until the City Commission has a chance to inform the community and receive some input. She added that Tammy Tibbles and

others have worked very hard on this and FDOT should realize that our residents need to know. She added that FDOT should have been told that they City Commission needed to know first and inform the residents.

Commissioner Góngora stated it was a good thing having this meeting because he questions how long the City has known, and how long FDOT did know of this proposal. He asked why this is coming out now so late in the game. Immediately, upon learning of this, all the neighborhood associations started coming out in great opposition to it. He added, for the record, that he is very concerned because they are already not happy with the way the Alton Road project is going. He is disappointed, annoyed and upset at learning about this so late in the game. He asked the following questions for discussion:

- 1. When did the City know about this, and when did FDOT notify the City's Public Works Department?
- 2. If the Commission goes along with this plan, what is the plan during the closure and how are the City and FDOT dealing with the additional traffic that this will generate?
- 3. Why this coming out now, so quickly, and what is the status of the Alton Road Project?
- 4. When is the meeting this week, who is attending, and what are they doing to look out for Alton Road and the traffic in Miami Beach?

11:32:29 a.m.

Mark Croft, District Construction Engineer for FDOT spoke. He stated that he understands the concerns. The reason they decided to go forward is that they had a unique opportunity because of the time between the holidays and school being out of session. They felt this was the best time to affect this closure with the least impact on the community and the traffic.

11:34:35 a.m.

Mayor Bower stated that David Lancz from Senator Margolis's office is present. She added that the businesses will also be impacted, and they need a plan for the weekend traffic generated by the clubs and restaurants. In addition, FDOT needs to check on any special events scheduled during the time of the proposed closure.

Commissioner Libbin stated that the problem is the lack of planning and coordination. He stated that the letter to Mr. Carpenter is dated June 24, and that is very late. He is concerned with the statement that this method will be safer because the primary concern of the project is safety, and if FDOT concluded that the previous plan was not the safest, why was consideration given to this unsafe method originally. He would expect that safety is the primary consideration on every project from the beginning, and not at the last second. He would like to know why the safety concerns today have changed.

11:37:58 a.m.

Mark Croft, District Construction Engineer for FDOT stated that the plan of the six months closure is safe, it meets the standards but it is uncomfortable for people to drive a vehicle on a ten-foot lane with barriers on either side. The other issue is the noise impact for the neighboring residence for the six months that work was going to be performed at night.

Commissioner Libbin stated that it is FDOT's responsibility to come up with the safest way from the beginning and not two weeks before they start the project. He asked why the disincentive of \$5,000 for five days and there is no penalty after that.

Mark Croft, District Construction Engineer for FDOT, stated that it was based on risk and reward.

Discussion held.

Commissioner Libbin asked for police presence to direct traffic and that the State must pick up the tab.

Mark Croft, District Construction Engineer for FDOT, spoke, stated that the contractor will be working around the clock.

Commissioner Exposito stated that he is extremely upset because there were meetings held June 25 and 26 and nobody notified the City Commission. There should have been the courtesy of letting the City Commission know that at least they were having these discussions. This would have gone a long way in helping the situation. There is a problem of communication that needs to be addressed and they need a separate meeting to discuss it. The Commission, the City and the residents continue to have communication problems with FDOT.

Discussion continued.

Commissioner Weithorn stated that she wants to talk about quality of life and resource allocation. She asked if there will be Florida Highway Patrol presence to assist with traffic; is there something the residents will receive to make the quality of life better? She stated that there is a major event on July 18th, and asked if FDOT checked with the Special Events Office as to how the closure of the flyover will affect the event. There is a school in the area and asked if this will affect the schoolchildren getting to school? Who gets the savings from the lessening in the number of construction days?

Discussion continued.

11:56:37 a.m.

Jimmy L. Morales, City Manager, explained that the day of the letter was the date of the major spill on the canal at Dade Boulevard and everyone was working on that.

Mayor Bower stated that if that is the case, FDOT has to wait; she understands this is a new Administration, but the residents need to know and give input. If FDOT knew 30 days earlier that this was going to happen, they should have notified the City back then.

Jimmy L. Morales, City Manager, spoke.

11:59 27 a.m.

Florida State Representative David Richardson spoke. Representative Richardson was concerned with the lack of communication practiced by FDOT in this situation. Even he, who sits in the State's Appropriation Committee, was unaware of FDOT's proposal to close down the Flyover for 30 days.

Mayor Bower asked to hear what the plan is from FDOT.

12:06:19 p.m.

Enrique Tamayo, Project Engineer from FDOT, gave a PowerPoint presentation.

Discussion continued.

Commissioner Libbin wants to know what the plans are if we have a torrential rain that floods the intersection. Enrique Tamayo, Project Engineer from FDOT, stated that the contractor is responsible for any water that is on the road and the construction area. Mr. Tamayo stated that they have contingencies in place for such situations, including the brining of pumps to the area to

remove the water.

Discussion continued.

Enrique Tamayo, Project Engineer from FDOT, stated that they would utilize off-duty City of Miami Beach Police paid by FDOT to assist with the flow of traffic. **Police Chief Martinez and Eric carpenter to handle.**

Discussion continued.

Enrique Tamayo, Project Engineer from FDOT, continued with the PowerPoint presentation. He added that the biggest benefit that will be created by the modified proposal is the reduction of night work and the noise.

Commissioner Exposito stated that schools start on August 19th. There is only a five-day window to complete this project prior to school starting. However, teachers usually commence working days earlier. He asked if they have reached out to South Pointe Elementary School, since the traffic will be right in front of the school and after the entrance to the parking. Enrique Tamayo, Project Engineer from FDOT, stated that they have not, but will do so. **FDOT to handle.**

Gerald Posner, Chairman of the South of 5th Neighborhood Association, spoke. Christine Florez, President of West Avenue Neighborhood Association, spoke. Jack Johnson, Flamingo Homeowners Association, spoke. Ken Bereski spoke. Tammy Tibbles spoke

Robert "Bobby" Duke spoke.

Kim ?? from Continental Group spoke 12:53 p.m.

12:54:38 p.m.

Enrique Tamayo, Project Engineer from FDOT, stated that they would reach out to the schools immediately. In reference to bicycles, they are considered motorized vehicles and can use the lanes. They will allow pedestrian crossing as they do now and if they need to adjust the traffic signal timing to allow for more time, they will do that as needed. **FDOT to handle.**

Discussion continued.

Mayor Bower asked if they could look at having two left turns accommodated on 8th Street going south on Alton Road. **FDOT to handle.**

1:01:05 p.m.

Commissioner Exposito asked if they could place temporary plastic posts forcing the people turning left to get into that lane earlier rather than at the last meeting. **FDOT to handle.**

Enrique Tamayo, Project Engineer from FDOT, stated they would look at that option.

Discussion continued.

1:03:27 p.m.

Enrique Tamayo, Project Engineer from FDOT, stated the left turning movement will allow large vehicles to make the left turn. The issue of the parking on West, Alton and the side streets continues to be a challenge. He added that they met with businesses to accommodate the delivery trucks. **FDOT to handle.**

Discussion continued.

Enrique Tamayo, Project Engineer from FDOT, stated that they would use off-duty Miami Beach Police Officers if needed 24/7. Funding to come from FDOT. **FDOT, Chief Martinez and Eric Carpenter to handle.**

Commissioner Libbin asked them to address the inequity in terms of only a five (5) days \$5,000 penalty.

Enrique Tamayo, Project Engineer from FDOT, stated that originally, the proposal was for 45 days of closure, and that was negotiated down to 30 days with the five (5) days penalty. The contract has a total disincentive for \$1.1 million, so \$25,000 is a high percent. They feel this is a fair number.

Discussion continued.

Commissioner Libbin asked what the plan is in the event of a serious storm, as far as evacuation.

Enrique Tamayo, Project Engineer from FDOT, stated that they have a hurricane plan.

Phillip Mills Richards, Project Manager for Personal Land Development, spoke.

Commissioner Weithorn asked if the City has seen the hurricane plan provided by FDOT. **Eric Carpenter to review and handle.**

Discussion continued.

Rocky Odio spoke.

1:20:50 p.m.

Jimmy L. Morales, City Manager, stated that 30 days makes more sense than six (6) months in terms of noise, road closure, etc. It is unfortunate that they just found out a few weeks ago of the July 14th date.

Mayor Bower asked the Administration to discuss this plan in detail and report everything. The dates and "key" dates are very important; Tammy's suggestions of posting the schedule on the internet is good, and also requested information on Channel MBTV77. The Mayor requested that the public be informed in simple language. **City Manager's Office and Eric Carpenter to handle.**

1:22:22 p.m.

Commissioner Weithorn asked how they communicate among themselves if something comes up, and suggested to come back with an effective modern communication plan; have a central place, or an e-mail where citizens can subscribe and receive information. **City Manager's Office to handle.**

Police Deputy Assistant Chief Mark Overton spoke.

Gerald Posner suggested appointing a staff person receiving e-mails and questions from the community. City Manager's Office and Eric Carpenter to handle.

Discussion continued.

1:25:49 p.m.

Commissioner Exposito suggested setting up an oversight committee similar to what was done with the 63rd street parking project. **City Manager's Office to handle.**

Mayor Bower stated that this is a good idea for the entire Alton Road Projects and somebody from the City Commission should be part of this committee as a liaison. They will appoint somebody. **Mayor's Office to handle**.

Mark Croft, District Construction Engineer for FDOT, spoke.

Eric Carpenter, Public Works Department Director, apologized for not informing them sooner but he wanted to be sure that it was the final plan before alarming anybody unnecessarily.

Mayor Bower thanked everyone for coming and stated to staff that this is a learning process and in the future to notify the City Commission before anything is done so to allow citizens to have input. City Manager's Office and Eric Carpenter to handle.

Meeting adjourned at 1:28:03 p.m.

Handouts or Reference Materials:

- 1. Ad No. in The Miami Herald #794
- 2. FDOT District Six Construction Alert State Road (SR) 907/Alton Road
- 3. FDOT Alton Road Flyover Bridge Closure Public Outreach Plan
- 4. Aerial Rendering of Road No. 907/Alton Road Flyover Closure Traffic Control Plan Detour Plan